

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

STATE OF NEW MEXICO, *ex rel.*
STATE ENGINEER, *et al.*,

Plaintiffs,

V.

EDUARDO ABEYTA, *et al.*,
and CELSO ARELLANO, *et al.*,

Defendants.

) **69cv07896 BB**
) **Rio Pueblo de Taos**
) **Adjudication**
)
) **69cv7939 BB**
) **Rio Hondo Adjudication**
) **(Consolidated)**
)
) **Rio Pueblo de Taos Section**
) **Lower Manuel Andres Trujillo Ditch**
) **Juan Manuel Lucero Community**
) **Ditch**
)
) **Subfile No. 8.1**
) **RG-29644**

**ORDER GRANTING MOTION TO CORRECT SUBFILE ORDER
(SUBFILE NO. 8.1, JOSE MANUEL SANTISTEVAN ESTATE, J. FELIX
SANTISTEVAN AND GREGORITA ROMO, ADMINISTRATORS)**

The Court, having considered the December 1, 2009, Motion to Correct Subfile Order (Doc. No. 5400), filed by the State of New Mexico *ex rel.* State Engineer (“State”), and being otherwise fully advised in the premises, finds that the State’s Motion is well taken and that it should be GRANTED:

IT IS THEREFORE ORDERED.

1. Order No. 1332 entered on May 24, 1978, in Subfile No. 8.1, is hereby corrected to clarify that the Court's *Order Applying Priority Date for Juan Manuel Lucero and Lower Manuel Andres Trujillo Ditch to Individual Subfiles* (Doc. No. 5284, May 21, 2009), which applied the 1829 ditch-wide priority date adopted for by the Court for the Juan Manuel Lucero Community Ditch and the Lower Manuel Andres Trujillo Ditch to surface water rights served by those two acequias, applies to both surface and supplemental groundwater diversion under the

adjudicated water right in Subfile No. 8.1. Accordingly, the 1829 priority date applies to supplemental groundwater diversion from Well No. RG-29644 for irrigation of Tract 8.1.

2. Paragraph 5 of Order No. 1332 is corrected to state the following:

A. Surface Waters

State Engineer's File No.: 057, 0932, 0933

Priority: 1829

Points of Diversion:

**Ditches: (1) Lower Manuel Andres Trujillo Ditch
(2) Juan Manuel Lucero Community Ditch**

Locations: (1) The Manuel Andres Trujillo Ditch diverts out of the north bank of the Arroyo Seco located in the Antonio Martinez or Godoi Grant. The position of this diversion on the New Mexico Coordinate System, Central Zone, is: x=692,310 and y=1,999,550, New Mexico State Plane Coordinate System, Central Zone, NAD 1927.

(2) The Juan Manuel Lucero Community Ditch diverts from the south bank of the Rio Lucero in the Tenorio Tract, Taos Pueblo Grant. The position of this diversion is: x=703,450 and y=1,997,400, New Mexico State Plane Coordinate System, Central Zone, NAD 1927.

B. Underground waters

State Engineer's File No.: RG-29644

Priority: 1829

Point of Diversion: Well RG-29644 is located in the Antonio Martinez or Godoi Grant. The position of this well on the New Mexico Coordinate System, Central Zone, is: x=688,390 and y=1,986,280.

Location:		Acreage:
New Mexico State Assessment Survey	State Engineer Hydrographic Survey	
Pt. of Tr. 2.12.28	8.1	1.2 acres
Pt. of Tr. 2.13.10	8.1	3.6 acres
Pt. of Tr. 2.13.13	8.1	14.6 acres
Pt. of Tr. 2.13.25	8.1	3.4 acres
Pt. of Tr. 2.14.5	8.1	2.6 acres
Pt. of Tr. 2.15.1	8.1	<u>15.0 acres</u>
	TOTAL	40.4 acres

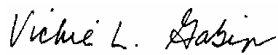
**As shown on State Engineer Hydrographic
Survey Map Sheet No. 8, Tract 1.**

3. Except as provided in this Order, all other elements of the water right remain as stated in Order No. 1332 at subsequent orders of the Court.



BRUCE D. BLACK
UNITED STATES DISTRICT JUDGE

Recommended for approval:



VICKIE L. GABIN
SPECIAL MASTER